IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 5526 of 2007(G)

PETITIONER:

HARIKUMAR,
THOPPIL HOUSE, ETTUMANOOR, KOTTAYAM DISTRICT.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOTTAYAM.

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.5526/2007 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE DECISION OF THE RTA DTD. 27/12/2005.

EXT.P2; COPY OF THE JUDGMENT OF THE STATE TRANSPORT APPELLATE TRIBUNAL IN M.V.A.A.NO.242 OF 2006 DTD. 19/10/2006.

EXT.P3: COPY OF THE REPLY MADE BY THE PETITIONER DTD. 05/01/2007.

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR,J.

WP(C)NO.5526 OF 2007-G

Judgment

The petitioner is having a regular permit on the route Ayarkunnam-Kottayam. He applied for a variation of that permit. The variation was granted by the RTA, Kottayam by Ext.P1 order dated 27.12.2005, subject to certain conditions. Aggrieved by those conditions, the petitioner filed an appeal before the STAT. The rigour of the conditions was diluted by the STAT by Ext.P2 Judgment. The petitioner's grievance is that so far, the permit has not been issued, after settling the time schedule, endorsing the variation. Notice in this Writ Petition was ordered on 20.02.2007 with hearing date as 02.03.2007. The respondent has accepted the notice, but, he has chosen, not to instruct the learned Government Pleader to defend the case.

2. I find, in many cases, the Secretaries of the RTAs, even after service of notice, are not taking any interest to furnish instruction to the learned Government Pleaders concerned, to defend the cases. Once the service is complete in these types of cases, this Court cannot wait for the convenience of the respondents concerned. So, orders are passed, relying on the statements of the writ petitioners. Chances of such orders, going against the interest of the State State, cannot be ruled out. It is common practice to blame the Government Pleaders, whenever a case goes against the State. I think, the Officers like the respondent herein are responsible for the same.

3. I find no justification for not issuing the permit granted as per Ext.P1, taking note of Ext.P2 Judgment of the STAT, after endorsing the variation and also settling the time schedule, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this Judgment.

The Writ Petition is allowed as above with costs.

The Registry shall forward a copy of this Judgment to the Transport Commissioner for his information and appropriate action.

16.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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